

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-14 and 16-69 are pending, of which claims 1, 3-7, 9, 14, 16, 26, 31, 36-38, 49, 61-62, 64, and 69 have been amended.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

35 U.S.C. §102 Claim Rejections

Claims 1-9, 11-20, 22-24, 26-31, 33-44, 46-47, 49, and 52-58 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,942,707 to Tamura (hereinafter, "Tamura") (*Office Action* p.3). Claim 15 is canceled. Applicant respectfully traverses the rejection.

Claim 1 recites a method comprising:

providing an audio content component for each source of audio content, each audio content component generating event instructions from the received audio content;

processing the event instructions to produce audio instructions;

providing audio rendition managers that each correspond to an audio rendition; and

routing the audio instructions to the audio rendition managers that process the audio instructions to render the corresponding audio renditions.

1 Tamura does not show or disclose an audio rendition manager as recited in
2 claim 1, and as described with reference to Applicant's Fig. 3. Further, Tamura
3 does not describe or show any system that includes multiple audio rendition
4 managers as recited in claim 1, and as described with reference to Applicant's
5 Fig. 5.

6 Tamura describes a system that includes music data, a MIDI input
7 interface, and a sound source that processes MIDI events and stores the processed
8 data with memory buffers (*Tamura* col.1 – col.7). The system described in
9 Tamura is essentially described in the background of the subject application as a
10 conventional audio and music generation system described with reference to
11 Applicant's Fig. 1 (*Specification* p.5, line 4 – p.7, line 17). For example, a
12 synthesizer 102 (e.g., Tamura's sound source) receives MIDI inputs 120 on
13 synthesizer channels 108 and outputs processed audio data to an audio buffer 106
14 (*Specification* p.5, lines 4-13).

15 The Office states that a "sound source" in Tamura designates an audio
16 rendition component (*Office Action* p.3). However, a "sound source" in Tamura is
17 not an audio rendition manager, as recited in claim 1. Tamura describes a "sound
18 source" as a synthesizer component which is described in the background of the
19 subject application (*Specification* p.5, lines 4-13). For example, Tamura describes
20 that a sound source module processes MIDI events (col.1, lines 26-38), and has
21 channels to sound music tones (col.3, lines 18-21; col.4, lines 46-48). Further, the
22 Office recognizes that the sound source in Tamura includes a DSP (digital signal
23 processor) and that the DSP is a synthesizer component (*Office Action* p.6).

1 Tamura does not show or disclose an audio rendition manager, and further,
2 does not describe or show any system that includes multiple audio rendition
3 managers as recited in claim 1. Accordingly, claim 1 is allowable over Tamura
4 and Applicant respectfully requests that the §102 rejection be withdrawn.

5
6 Claims 2-9, 11-14, 16-20, and 22-24 are allowable by virtue of their
7 dependency upon claim 1 (either directly or indirectly). Additionally, some or all
8 of claims 2-9, 11-20, and 22-24 are allowable over Tamura for independent
9 reasons. For example:

10 Claim 2 recites "each audio content component is a component object
11 having an interface that is callable by a software component, the software
12 component directing said generating the event instructions."

13 Tamura does not show or disclose an audio content component that is a
14 component object having a callable interface, as recited in claim 2. The Office states
15 that Tamura teaches hardware and software implementations are analogous (*Office*
16 *Action* pp.2-3; *Tamura* col.1, lines 26-31). However, the reference in Tamura is to a
17 sound source and Tamura only states that a sound source module can be a hardware
18 device or software (*Tamura* col.1, lines 26-31). There is no discussion of an audio
19 content component that is a component object having a callable interface, as recited
20 in claim 2. Accordingly, claim 2 is allowable over Tamura and the §102 rejection
21 should be withdrawn.

22 Claims 3 and 4 also recite a component object having an interface that is
23 callable by a software component. As described above in the response to the
24 rejection of claim 2, Tamura does not describe any such component objects in an
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1 audio generation system that have a callable interface, as recited in claims 3 and 4.
2 Accordingly, claims 3 and 4 are allowable over Tamura and the §102 rejection
3 should be withdrawn.

4 Claim 5 recites "providing a performance manager that performs said
5 providing an audio content component for each source of audio content, and
6 performs said providing the audio rendition managers that each correspond to an
7 audio rendition."

8 Tamura does not show or disclose a performance manager as recited in
9 claim 5. The Office states that Tamura teaches the use of software to instantiate a
10 plurality of audio rendition managers (*Office Action* p.4; *Tamura* col.6, lines
11 28-32; col.19, lines 61-64). Applicant disagrees because the cited sections of
12 Tamura do not describe a performance manager, an audio rendition manager, or a
13 plurality of audio rendition managers.

14 Tamura only describes a hard disk to store waveform data, an operating
15 system, and various application programs (*Tamura* col.6, lines 28-32). There is no
16 indication whatsoever of a performance manager or of an audio rendition manager
17 as recited in claim 5. Further, claim 7 of Tamura only describes an apparatus that
18 includes a player module, a driver module, a sound source module, and a timing
19 module (*Tamura* col.19, lines 61-64). Neither of these modules listed in Tamura
20 is a performance manager that provides one or more audio rendition managers, as
21 recited in claim 5. Further, neither of these modules listed in Tamura is an audio
22 rendition manager, as recited in claim 5.

23 Accordingly, claim 5 is allowable over Tamura and the §102 rejection
24 should be withdrawn.
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2 Claim 26 recites "providing a performance manager" and "providing audio
3 rendition managers that each correspond to an audio rendition". Similarly:

4 Claim 49 recites an audio generation system comprising "a performance
5 manager having an audio content component that generates event instructions
6 from audio content received from one or more sources, the performance manager
7 configured to process the event instructions to produce audio instructions", and
8 "audio rendition managers that each correspond to an audio rendition, an audio
9 rendition manager configured to receive the audio instructions and process the
10 audio instructions to render the corresponding audio rendition."

11 As described above in the response to the rejection of claims 1 and 5,
12 Tamura does not show or disclose a performance manager, an audio rendition
13 manager, or multiple audio rendition managers, as recited in independent claims
14 26 and 49. Accordingly, claims 26 and 49 are allowable over Tamura and
15 Applicant respectfully requests that the §102 rejection be withdrawn.

16
17 Claims 27-31, 33-44, and 46-47 are allowable by virtue of their dependency
18 upon claim 26 (either directly or indirectly). Additionally, some or all of claims
19 27-31, 33-44, and 46-47 are allowable over Tamura for independent reasons.

20 Claims 52-58 are allowable by virtue of their dependency upon claim 49.
21 Additionally, some or all of claims 52-58 are allowable over Tamura for
22 independent reasons.
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35 U.S.C. §103 Claim Rejections

Claims 10 and 32 are rejected under 35 U.S.C. §103(a) for obviousness over Tamura in view of U.S. Patent No. 5,842,014 to Brooks et al. (hereinafter, "Brooks") (*Office Action* p.10). Applicant respectfully traverses the rejection.

Claims 21, 25, 45, 48, 50-51, and 59-69 are rejected under 35 U.S.C. §103(a) for obviousness over Tamura in view of Brooks, and further in view of U.S. Patent No. 5,852,251 to Su et al. (hereinafter, "Su") (*Office Action* p.10). Applicant respectfully traverses the rejection.

Claims 10 and 32 recite that "the audio content includes digital audio samples". Brooks is cited by the Office for teaching digital audio samples (*Office Action* p.10). However, Brooks is not cited for the deficiencies of Tamura as described above in response to the §102 rejections. Accordingly:

Claim 10 is allowable over the Tamura-Brooks combination by virtue of its dependency upon claim 1 which is allowable over Tamura for at least the reasons described above in response to the §102 rejection of claim 1.

Claim 32 is allowable over the Tamura-Brooks combination by virtue of its dependency upon claim 26 which is allowable over Tamura for at least the reasons described above in response to the §102 rejection of claim 26.

Claims 21 and 25 are allowable by virtue of their dependency upon claim 1 which is allowable over Tamura for at least the reasons described above in response to the §102 rejection of claim 1. Claims 21 and 25 are also allowable over the Tamura-Brooks-Su combination because Brooks and/or Su do not address

1 the deficiencies of Tamura as described above in the response to the rejection of
2 claim 1.

3 Claims 45 and 48 are allowable by virtue of their dependency upon
4 claim 26 which is allowable over Tamura for at least the reasons described above
5 in response to the §102 rejection of claim 26. Claims 45 and 48 are also allowable
6 over the Tamura-Brooks-Su combination because Brooks and/or Su do not address
7 the deficiencies of Tamura as described above in the response to the rejection of
8 claim 26.

9 Claims 50-51 and 59-60 are allowable by virtue of their dependency upon
10 claim 49 which is allowable over Tamura for at least the reasons described above
11 in response to the §102 rejection of claim 49. Claims 50-51 and 59-60 are also
12 allowable over the Tamura-Brooks-Su combination because Brooks and/or Su do
13 not address the deficiencies of Tamura as described above in the response to the
14 rejection of claim 49.

15
16 Claim 61 recites an audio rendition manager comprising "a synthesizer
17 component having channel groups that each have a plurality of synthesizer
18 channels configured to receive audio instructions and produce one or more streams
19 of audio wave data from the received audio instructions", and "a plurality of audio
20 buffers that receive one or more of the streams of audio wave data".

21 The Office only rejects claim 61 in view of Tamura, and states that Tamura
22 teaches the use of an audio buffer for each channel (*Office Action* p.12; *Tamura*
23 col.3, lines 45-47). However, Tamura does not show or disclose a synthesizer
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1 component having multiple channel groups, as recited in claim 61, and as
2 described with reference to Applicant's Fig. 4.

3 The Office has not rejected the feature of a synthesizer component having
4 channel groups, as recited in claim 61, in view of Brooks and/or Su. Accordingly,
5 claim 61 is allowable over the Tamura-Brooks-Su combination and the §103
6 rejection should be withdrawn.

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8 Claims 62-69 are allowable by virtue of their dependency upon claim 61.
9 Additionally, some or all of claims 62-69 are allowable over the
10 Tamura-Brooks-Su combination for independent reasons.

11
12 **Conclusion**

13 Pending claims 1-14 and 16-69 are in condition for allowance. Applicant
14 respectfully requests reconsideration and issuance of the subject application. If
15 any issues remain that preclude issuance of this application, the Examiner is urged
16 to contact the undersigned attorney before issuing a subsequent Action.

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18 Respectfully Submitted,

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